



BOULT • CUMMINGS  
CONNERS • BERRY PLC

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September 17, 2002 12:02 PM 9 40

TN REGULATORY AUTHORITY  
DOCKET ROOM

Honorable Sara Kyle  
Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

Re: Petition of US LEC Tennessee, Inc. for Declaratory Order  
Docket No. 02-00890

Dear Chairman Kyle:

Enclosed for filing are the original and fourteen copies of *Amendments to the Petition for Declaratory Order* filed in the above-captioned proceeding.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker

HW/nl  
c: Parties

IN RE: PETITION OF US LEC )  
TENNESSEE, INC. FOR DECLARATORY )  
ORDER ) DOCKET NO. 02-00890  
)

Airstream obtained an *ex parte* temporary restraining order directing US LEC to resume service to Airstream. US LEC did not restore service but filed an "Emergency Motion to Dissolve Temporary Restraining Order and to Dismiss." US LEC argued, *inter alia*, that the Tennessee Regulatory Authority, not the Court, has original jurisdiction over this dispute and that, based on US LEC's tariff and the TRA's rules, US LEC properly terminated service to Airstream. The temporary restraining order has now expired. Airstream is no longer asking for the resumption of service but is pursuing a suit for damages against US LEC for the discontinuance of service and has also asked the Court to hold US LEC in contempt for US LEC's failure to resume service when the temporary restraining order was issued. These matters were heard before the Court on August 27, 2002. At that time, both US LEC and Airstream jointly requested that the Court stay all further proceedings in the lawsuit until the Authority had ruled on the issues presented in this Petition. The Court agreed to the parties' request.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: 

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*Counsel for US LEC of Tennessee*

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to the following on this the 17<sup>th</sup> day of September, 2002.

Clint Simpson, Esq.  
Baker, Donelson, Bearman & Caldwell  
165 Madison Ave., Suite 2000  
Memphis, TN 38103

  
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Henry Walker